

LPDES STATEMENT OF BASIS AND RATIONALE
FOR THE DRAFT LOUISIANA POLLUTANT DISCHARGE ELIMINATION SYSTEM
(LPDES) PERMIT TO DISCHARGE TO WATERS OF LOUISIANA

COMPANY/FACILITY: John W. Stone Oil Distributor, L.L.C.
Belle Chasse Fuel Dock
Post Office Box 2010
Gretna, Louisiana 70054-2010

ISSUING OFFICE: Louisiana Department of Environmental Quality (LDEQ)
Office of Environmental Services
Post Office Box 4313
Baton Rouge, Louisiana 70821-4313

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DATE PREPARED: March 10, 2006

1. PERMIT STATUS

- A. Reason For Permit Action:
Reissuance of a Louisiana Pollutant Discharge Elimination System (LPDES) permit for a 5-year term following regulations promulgated at LAC 33:IX.2711/40 CFR 122.46.

LAC 33:IX Citations: Unless otherwise stated, citations to LAC 33:IX refer to promulgated regulations listed at Louisiana Administrative Code, Title 33, Part IX.

40 CFR Citations: Unless otherwise stated, citations to 40 CFR refer to promulgated regulations listed at Title 40, Code of Federal Regulations in accordance with the dates specified at LAC 33:IX. 2301.F, 4901, and 4903.

- B. LPDES permit effective date: January 1, 2000
LPDES permit expiration date: December 31, 2005
- C. Date Application Received: June 9, 2004

2. FACILITY INFORMATION

- A. LOCATION – 2017 Concord Road in Belle Chasse. _____
(Latitude: 29° 50' 12" Longitude: 90° 02' 43")

- B. FACILITY TYPE/ACTIVITY – According to the application, Belle Chasse Fuel Dock is a petroleum storage and transfer facility. Although facilities classified as SIC code 5171 are usually exempt from needing a stormwater only permit, this facility has had an onsite contamination issue and is currently undergoing remediation activities. In order to ensure that the remediation activities are not contaminating stormwater, this facility is required to maintain its LPDES permit for stormwater discharges. Sanitary wastewater from the facility is collected in a holding tank and hauled offsite.

C. TECHNOLOGY BASIS - (40 CFR Chapter 1, Subchapter N/Parts 401, and 405-471 have been adopted by reference at LAC 33:IX.4903)

Other sources of technology based limits:

LDEQ Stormwater Guidance, letter dated 6/17/87, from J. Dale Givens (LDEQ) to Myron Knudson (EPA Region 6)
Best Professional Judgement

D. FEE RATE

1. Fee Rating Facility Type: Minor
2. Complexity Type: II
3. Wastewater Type: III
4. SIC code: 5171

3. RECEIVING WATER

- A. Stream: Bayou Barataria via unnamed ditch
- B. Basin and Subsegment: Barataria, Segment 020601
- C. Designated Uses - primary contact recreation, secondary contact recreation, and propagation of fish and wildlife

4. OUTFALL INFORMATION

Outfall 001

- A. Discharge Type: the intermittent discharge of stormwater runoff from the main diked area located on the northeast corner of the facility
- B. Treatment: None
- C. Location: At the point of discharge from the northeast side of the containment wall of the main diked area prior to mixing with other waters (Lat 29° 50' 15", Lon 90° 02' 45")
- D. Flow: 120,000 GPD
- E. Discharge Route: Bayou Barataria via unnamed ditch
- F. Basin and Segment: Barataria Basin, Segment 020601

5. PREVIOUS EFFLUENT LIMITATIONS

See Appendix A - previous permit limits.

6. SUMMARY OF PROPOSED PERMIT CHANGES

A permit reopener clause has been incorporated into Part II of the draft LPDES permit.

7. PROPOSED PERMIT LIMITS

The specific effluent limitations and/or conditions will be found in the draft permit. Development of permit limits are detailed in the Permit Limit Rationale section below.

8. PERMIT LIMIT RATIONALE

The following section sets forth the principal facts and the significant factual, legal, methodological, and policy questions considered in preparing the draft permit. Also set forth are any calculations or other explanations of the derivation of specific effluent limitations and conditions, including a citation to the applicable effluent limitation guideline or performance standard provisions as required under LAC 33:IX.2707/40 CFR Part 122.44 and reasons why they are applicable or an explanation of how the alternate effluent limitations were developed.

A. TECHNOLOGY-BASED VERSUS WATER QUALITY STANDARDS-BASED EFFLUENT LIMITATIONS AND CONDITIONS

Following regulations promulgated at LAC 33:IX.2707.L.2.b/40 CFR Part 122.44(l)(2)(ii), the draft permit limits are based on either technology-based effluent limits pursuant to LAC 33:IX.2707.A/40 CFR Part 122.44(a) or on State water quality standards and requirements pursuant to LAC 33:IX.2707.D/40 CFR Part 122.44(d), whichever are more stringent.

B. TECHNOLOGY-BASED EFFLUENT LIMITATIONS, MONITORING FREQUENCIES AND CONDITIONS

Regulations promulgated at LAC 33:IX.2707.A/40 CFR Part 122.44(a) require technology-based effluent limitations to be placed in LPDES permits based on effluent limitations guidelines where applicable, on BPJ (best professional judgement) in the absence of guidelines, or on a combination of the two.

Regulations require permits to establish monitoring requirements to yield data representative of the monitored activity [LAC 33:IX.2715/40 CFR 122.48(b)] and to assure compliance with permit limitations [LAC 33:IX.2707.I/40 CFR 122.44(l)].

Outfall 001 – the intermittent discharge of stormwater runoff from the main diked area located on the northeast corner of the facility

EFFLUENT CHARACTERISTIC	LIMITATION Units (Specify)		MONITORING REQUIREMENTS	
	MONTHLY AVERAGE	DAILY MAXIMUM	MEASUREMENT FREQUENCY	SAMPLE TYPE
Flow (MGD)	---	Report	1/quarter	Estimate
TOC	---	50 mg/L	1/quarter	Grab
Oil & Grease	---	15 mg/L	1/quarter	Grab
pH – Allowable Range (standard units)	6.0 Minimum	9.0 Maximum	1/quarter	Grab

Flow - The current LPDES permit established reporting requirements for daily maximum flows based on LAC 33:IX.2707.1.1.b/40 CFR 122.44(I)(1)(ii). The reporting requirement is retained with the same monitoring frequency of once per quarter by estimation using best engineering judgement, when discharging.

Total Organic Carbon - The daily maximum discharge limit of 50 mg/L for TOC has been retained from the previous LPDES permit and is based on BPJ in accordance with this Office's guidance on stormwater, letter dated 6/17/87, from J. Dale Givens (LDEQ) to Myron Knudson (EPA Region 6). The monitoring frequency is also retained at once per quarter by grab sample, when discharging.

Oil and Grease

The daily maximum discharge limit of 15 mg/l for oil and grease has been retained from the previous LPDES permit and is based on BPJ in accordance with this Office's guidance on stormwater, letter dated 6/17/87, from J. Dale Givens (LDEQ) to Myron Knudson (EPA Region 6). The monitoring frequency is also retained at once per quarter by grab sample, when discharging.

pH

The minimum discharge limit of 6.0 standard units and a maximum discharge limit of 9.0 standard units for pH have been retained from the previous LPDES permit and is based on BPJ in accordance with this Office's guidance on stormwater, letter dated 6/17/87, from J. Dale Givens (LDEQ) to Myron Knudson (EPA Region 6). The monitoring frequency is also retained at once per quarter by grab sample, when discharging.

Part II Specific Conditions

PERMIT REOPENER CLAUSE

In accordance with LAC 33:IX.2903, this permit may be modified, or alternatively, revoked and reissued, to comply with any applicable effluent standard or limitations issued or approved under sections 301(b)(2)(c) and (D); 304(b)(2); and 307(a)(2) of the Clean Water Act, if the effluent standard or limitations so issued or approved:

1. Contains different conditions or is otherwise more stringent than any effluent limitation in the permit; or
2. Controls any pollutant not limited in the permit; or
3. Require reassessment due to change in 303(d) status of waterbody; or
4. Incorporates the results of any total maximum daily load allocation, which may be approved for the receiving water body.

STORMWATER POLLUTION PREVENTION PLAN (SWPPP) REQUIREMENT

In accordance with LAC 33:IX.2707.1.3 and 4 [40 CFR 122.44(I)(3) and (4)], a Part II condition is proposed for applicability to all stormwater discharges from the facility, either through permitted outfalls or through outfalls which are not listed in the permit or as sheet flow. The Part II condition requires a Storm Water Pollution Prevention Plan (SWP3) within six (6) months of the effective date of the final permit, along with other requirements. If the permittee maintains other plans that contain duplicative information, that plan could be incorporated by reference into the SWP3. Examples of these type plans include, but are not limited to: Spill Prevention Control and Countermeasure Plan (SPCC), Best Management Plan (BMP), Response Plans, etc. The conditions will be found in the draft permit. Including Best Management Practice (BMP) controls in the form of a SWP3 is consistent with other LPDES and EPA permits regulating similar discharges of storm water associated with industrial activity, as defined at LAC 33:IX.2511.B.14 [(40 CFR 122.26(b)(14))].

9. COMPLIANCE HISTORY/COMMENTS

- A. A review of LDEQ records from the time period of January 2003 through December 2005 was performed and indicated that an Enforcement Warning Letter (WE-L-02-1140) was issued to Belle Chasse Fuel Dock based on some areas of concern noted in a site inspection conducted on or about September 28, 2002. Also, this facility is currently under going a ground water remediation project.

Note: The LDEQ inspector (Skip Blanchard), in a phone conversation on February 13, 2006, had indicated that the facility may still be performing some digging operations related to the remediation project, but stated that no additional parameters should be required for the stormwater runoff in Outfall 001 of this permit. He indicated that the standard parameters of TOC, oil & grease and pH should be sufficient.

- B. The most recent inspection was conducted on January 20, 2005. The report indicated that the soil borings piezometers were plugged and abandoned and the staged soil was still on site and exposed to the elements.

Note: In the same phone conversation mentioned above, the LDEQ inspector indicated that these issues have been resolved.

- C. A DMR review of all of the monitoring reports for the period of January 2003 through December 2005 revealed that there were no effluent violations. However, there were several DMR deficiencies noted during the course of the review. The DMR deficiencies included:

1. There were DMRs in the file reviewed for Outfall 101 for the 1st quarter of 2003; however, the DMRs indicated that the sampling was conducted in February 2003 but there was no DMR for February 2003.
2. There were no DMRS in the file reviewed for the 4th quarter of 2003, the 3rd quarter of 2004, the 3rd quarter of 2005, or the 4th quarter of 2005.

10. WATER QUALITY CONSIDERATIONS

The discharges from Outfall 001 from this facility consist of stormwater runoff and are to the Bayou Barataria of the Barataria Basin, Segment No. 020601. Louisiana's Final 2004 Section 303(d) List of Impaired Waterbodies Requiring a TMDL (2004 List) revealed that the Barataria Basin, Segment No. 020601 does not have any listed impairments on the 303(d) list and is in compliance with water quality standards.

11. ENDANGERED SPECIES

The receiving waterbody, Subsegment 020601 of the Barataria Basin, is not listed in Section II.2 of the Implementation Strategy as requiring consultation with the U.S. Fish and Wildlife Service (FWS). This strategy was submitted with a letter dated October 21, 2005, from Watson (FWS) to Gautreaux (LDEQ). Therefore, in accordance with the Memorandum of Understanding between the LDEQ and the FWS, no further informal (Section 7, Endangered Species Act) consultation is required. It was determined that the issuance of the LPDES permit is not likely to have an adverse effect on any endangered or candidate species or the critical habitat. The effluent limitations established in the permit ensure protection of aquatic life and maintenance of the receiving water as aquatic habitat.

12. HISTORIC SITES

The discharge is from an existing facility location, which does not include an expansion on undisturbed soils. Therefore, there should be no potential effect to sites or properties on or eligible for listing on the National Register of Historic Places, and in accordance with the "Memorandum of Understanding for the Protection of Historic Properties in Louisiana Regarding LPDES Permits" no consultation with the Louisiana State Historic Preservation Officer is required.

13. TENTATIVE DETERMINATION

On the basis of preliminary staff review, the Department of Environmental Quality has made a tentative determination to issue a permit for discharges described in the application.

14. PUBLIC NOTICES

Upon publication of the public notice, a public comment period shall begin on the date of publication and last for at least 30 days thereafter. During this period, any interested persons may submit written comments on the proposed issuance of LPDES individual permits and may request a public hearing to clarify issues involved. This Office's address is on the first page of the statement of basis. A request for a public hearing shall be in writing and shall state the nature of the issues proposed to be raised in the hearing.

Public notice published in:

A local newspaper of general circulation and
The Office of Environmental Services Public Notice Mailing List.